

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**AARON DANIELS and ROBERT)
SZWAJA Individually, and on Behalf of)
All Others Similarly Situated,)**

Plaintiffs,

v.

**PREMIUM CAPITAL FUNDING, LLC)
D/B/A TOP DOT MORTGAGE, DAVID)
BROWN, FRANK FIORE and DANIEL)
MANSI,)**

Defendants.

Case No. CV 08-4736 (LDW/ARL)

ECF Case

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION UNDER FED. R. CIV. P. 23

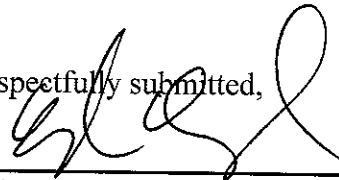
Plaintiffs AARON DANIELS and ROBERT SZWAJA, on behalf of themselves and all other similarly situated employees who worked for PREMIUM CAPITAL FUNDING, LLC d/b/a TOP DOT MORTGAGE, DAVID BROWN, FRANK FIORE, and DANIEL MANSI ("Defendants"), by and through their counsel of record, move this Honorable Court for an order:

1. Certifying this case as a class action under Fed. R. Civ. P. 23;
2. requiring Defendants to produce a computer-readable data file containing the names, addresses and telephone numbers of such class members so that notice may be issued; and
3. authorizing notice by U.S. first class mail to all persons employed by Defendants as loan officers or other similarly titled positions from November 21, 2002 to the present to inform them of this lawsuit.

This motion is based on the Memorandum of Law, exhibits, declarations, pleadings, Defendants' documents and other exhibits in support thereof, as well as other supplemental documents or testimony which may be presented at the time of hearing.

Dated: May 1, 2009

Respectfully submitted,



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